(56)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 637 of 2001

Petitioner Rajesh Agrawal, son of late M.L. Agrawal, aged about 36 years, presently owning a cyber café, resident of house no.H1/15, Narmada Nagar, Bilaspur (CG).

Versus

Respondents

1) State of Chhattisgarh through Advocate General for Chhattisgarh State, Bilaspur.

2) Shailendra Shrivastava, the then Superintendent of Police, Bilaspur (Present whereabouts not known).

3) Shri Nagendra Pateriya, the then Town Inspector, Civil Lines Police Station, Bilaspur (present whereabouts not known).

4) Shri Sukh Chain Singh, son of Darshan Singh, aged about 28 years, Constable attached to Civil Lines, P.S. Bilaspur.

5) Shri Vijay Singh, son of Kumar Singh, aged about 27 years, constable attached to Civil Lines, P.S. Bilaspur.

6) Shri Mohan Shukla, Director General of Police Forces, Chhattisgarh State, Raipur.

7) Home Secretary, Chhattisgarh State, Raipur.

8) Chief Secretary, Chhattisgarh State, Raipur.

(Writ Petition under Article 226/227 of the Constitution of India)

SB: Hon'ble Mr. Satish K. Agnihotri, J.

Present: Shri Mahesh Pandey counsel for the petitioner.
Shri S.K. Mishra, Panel Lawyer for the State.

ORAL ORDER

(Passed on 26th November, 2007)

(57)

The petitioner has filed this petition seeking a direction to the respondents No. 4 and 5 to pay a monetary compensation to him for violating his fundamental rights.

2) Learned counsel appearing for the petitioner submits that the petitioner was falsely implicated in a case wherein after trial he was acquitted by order dated 9-3-2000 passed by the Chief Judicial Magistrate, Bilaspur. Learned counsel further submits that the petitioner has suffered mentally and otherwise by illegal confinement in the jail.

3) Learned counsel appearing for the State submits that the case was registered against the petitioner on the basis of complaint made by Sushila Bai and acquittal in trial does not lead to conclusion that the petitioner was falsely implicated in the case.

4) The compensation, as sought for in this petition, in normal course, cannot be granted as the criminal charges are framed on the basis of prima facie case and on complete trial a person can be acquitted. It cannot be held that during the course of trial, it was illegal detention or confinement.

5) In the facts of the case, a charge-sheet against the petitioner was filed on the basis of the report of one Sushila Bai, for having committed offences under Sections 456 and 354/34 of the Indian Penal Code (Annexure R/1) and the case was registered. Thus, it cannot be held that the petitioner was implicated falsely in a criminal case on the ground that ultimately he has been acquitted by order dated 9-3-2000 by the Chief Judicial Magistrate, Bilaspur.

6) There is no merit in the case. The petition is accordingly dismissed.

Sd/-
Satish K. Agnihotri
Judge

Raju